

TOWN COUNCIL
Municipal Center Council Chambers
May 6, 2025, 1:00 pm

Minutes

I. Call to Order: Mayor Belt called the meeting to order at 1:00 pm.

II. Pledge of Allegiance

III. Roll Call:

Present at the Meeting: Bradley Belt, *Mayor*
Russell Berner, *Mayor Pro Tem*
Luke Farrell, *Council Member*
Madeleine Kaye, *Council Member*
Lance Spencer, *Council Member*

Also Present: Stephanie Tillerson, *Town Administrator*
Dorota Szubert, *Finance Director*
Mac McQuillin, *Town Attorney*
John Taylor, Jr., *Planning Director*
Michael Nardelli, *Assistant Operations Manager*

IV. Approval of Minutes:

A. Minutes of the Town Council Meeting of April 1, 2025

Mayor Belt stated that Council Members had received a copy of the minutes of the Town Council meeting of April 1, 2025, in advance for review. He noted that his correction had been given to the Town Clerk and incorporated, and asked if there were any additional comments or changes to the minutes. Council Member Kaye also noted corrections, providing them to the Town Clerk.

With those corrections, the minutes were deemed approved.

V. Citizens' Comments (Agenda Items Only):

None

VI. Presentations:

A. Coastal Science and Engineering - Dr. Patrick Barrineau

Mayor Belt introduced Dr. Patrick Barrineau, from Coastal Science & Engineering (CSE), the Town's beach consultant. CSE has been monitoring the beach and dune system for several years. He noted that the report includes a lot of technical data and terminology, explaining that the purpose of the presentation is to provide highlights of the extensive report prepared by CSE.

Overview of Kiawah Island's Beach

Dr. Barrineau provided some background on Kiawah by describing the dynamic nature of the island, particularly the areas around Stono Inlet and Captain Sam's Inlet, with the center of the island exhibiting long-term stability. Influences are disturbances in the form of storms, with the island having experienced more than 20 storms since 2015, passing within about a 40-mile radius of the island, compared to fewer than five from 2000 to 2012, not including nor'easters. Another influence is the impact of sea level rise, which has increased by about a foot since 2000 and is expected to rise by another foot by 2050, according to data from tidal gauge records at the Customs House in downtown Charleston.

Detailed Analysis of Beach Conditions

Dr. Barrineau stated that CSE monitors beach volumes using 61 profiles from Stono Inlet to the Seabrook side of Captain Sams Inlet, with some locations monitored since the 1980s. He indicated that Kiawah

Island is divided into six sections or reaches for easier understanding: on the west end are Kiawah Spit, West Beach, Turtle Point, and on the east end are Ocean Course, Lagoon, and Stono Inlet.

Dr. Barrineau indicated that the biggest takeaway detected in the last 12 to 18 months is that on the east end, the shoal that has been approaching for the last five or six years is now fully attached and is spreading sand along the shore. He then discussed the potential hazards from the migration of tidal creeks, particularly around the Ocean Course Clubhouse and driving range, mentioning the current permit application submitted to the state Army Corps to mitigate those potential hazards. Dr. Barrineau stated that, although Mr. Jordan has reported that the creek outlet has shifted back towards the east over the last couple of months. While this is fantastic news, once the permit for those activities is obtained, it will be valid for five years.

Dr. Barrineau explained the erosion observed at the east end over the last year, with approximately 35 of the 40 profiles between the west end of the Ocean Course and the west end of the island losing sand from October 2023 (the date of the last survey) to December 2024. Also noted was the continued narrowing of the spit neck near Beachwalker Park, which is now about 300 feet from mean high water on the ocean side to the creek side.

Dr. Barrineau displayed a chart illustrating the oscillation of each reach volume over time, discussing the oscillating lagoon reach volumes as the shoals periodically emerge and, after attaching, erode in place, and begin to spread down the coast. He detailed that over the last 12 months, from October 23 to December 24, the east end lost approximately 426,000 cubic yards of sand, equivalent to about 16.5 cubic yards per foot per year, which equates to around 15 or 20 feet of dry beach width lost. He noted that it may sound severe, but most of those losses are concentrated within the lagoon reach.

Dr. Barrineau stated that the west end saw slightly less severe losses, approximately 127,100 cubic yards of sand, equivalent to about four or five cubic yards per foot per year from October 23 to December 24, which equates to anywhere from 5 to 10 feet of dry beach width lost.

Impact of Storms on Beach Erosion and Long-Term Trends

Mayor Belt and Dr. Barrineau discuss the impact of the recent storms and the potential for sand to replenish as new shoals form. Dr. Barrineau stated that several storms from December 2023 to March 2024 heavily impacted the region, not just with dramatic flooding but also on coastal beaches. However, the reported 50 feet of dune recession immediately after the December 2023 event probably constitutes the majority of the erosion experienced over those storm events. He noted that over the past 10 to 20 years, there has been a gradual increase in volume on those central and western reaches as sand migrates down, with shoals attaching from the east end and then spreading to the south and west.

Dr. Barrineau discussed the long-term trends of sand volume on the beach, noting that there is more volume now than in 1999 and about the same as in 2007-2008. He explains that the net volume of sand on the beach remains relatively constant over 15-30 years, with long-term cycles of sand accretion and erosion.

Dr. Barrineau discussed the narrowing of the neck on Captain Sam's Spit near Beachwalker Park. Measuring the width from mean high water on the creek side to mean high water on the ocean side, in 2010 it was about 380 feet wide and held more or less steady through about 2015.; However, through March of 2023, that width had shrunk to about 275 feet. With the narrowing of the creek, a closer eye will be kept on it to allow for early warning when, over the next 10 to 20 years, the hazard becomes imminent.

Council Members engaged in an in-depth discussion of the narrowing of the channel, the implications of a breach event, whether action should be taken now rather than waiting, when the repair could be more costly, whether anything should be done to effect change to a natural area, or let nature take its course, and when looking long-term, what strategies need to be considered to mitigate the risks.

Dr. Barrineau stated that, in general, gains in volume from 2007 to 2015 were modest, at 1.6 million cubic yards over eight years. However, much of that volume has been lost over the subsequent nine to ten

years, from 2015 to 2024, due to increased storms and higher water levels. However, the net volume of sand on the beachfront remains relatively constant over the long term, of 15 to 20 to 30 years.

Responding to Mayor Pro Tem Berner's question about how the beach is considered to be accreting but the information provided contradicts that, Dr. Barrineau explained that beaches tend to change at long-term cycles, you can have increases on the island that may last 5, 10, or 15 years, and then decreases that will last 5, 10, or 15 years. But the net change across multiple phases of that rise and fall is a positive trend.

Beach Management and Future Actions

Mayor Belt asked Mr. Jordan to expand on his channel observations. Mr. Jordan stated that the threat was the current in the flushing channel cutting towards the Ocean Course Clubhouse and infrastructure. Currently, a new inlet has opened, and there is virtually no flow in or out on a tide cycle, with water only getting in at high tide. Assuming there is no natural flow, sand is going to move and fill in that channel and make it less and less likely for water to flow through there over time. This can occur quickly or over several months.

Mayor Belt noted that the permitting process was initiated out of concern for the potential negative impacts of the flushing channel on Resort properties. The situation appears to be improving, at least temporarily, but will continue to be closely monitored. If the permit is issued, any changes can still be addressed within the five-year period.

Also discussed was that with the closure of the flushing channel and the area naturally filling in with sand over time, it will result in the restoration of some of the habitat that had been lost previously.

Council Member Farrell questions whether to consider continuing with beach renourishment to reestablish habitat rather than waiting for natural processes. He noted that it would be less expensive and impactful. Mr. Jordan emphasized the need to wait for the permit to be issued and, with the dynamic nature of the area, start having discussions based on the conditions at that time before making decisions on beach renourishment. Mayor Belt agreed to continue monitoring the situation and taking action as appropriate.

VII. Updates:

A. Mayor

Mayor Belt provided updates on the following:

- The Color of Music Festival, presented by the Town with the help of Town Staff, was held on Saturday night, with approximately 100 attendees who listened to an extraordinary stringed instrument chamber ensemble.
- The Piccolo Spoleto preview was held the following day at the Church of the Holy Spirit with approximately 300 guests.
- The official end of the Arts and Cultural Events season, but additional programs, including a monthly food truck fest throughout August. The next season kicks off on August 1st.
- The receipt of letters of thanks from Charitable Grant recipients
- The progress of development projects
 - Both Seafields and the Night Heron Activity Center are on track, and both projects are scheduled to be completed by the end of the year.
 - Charleston County is hosting a session regarding the status of the flyover on Savannah Highway (Highway 17)
 - Charleston County Planning Commission meeting on May 12th on the Orange Hill planned development, the Kiawah Island Club's new development that will include a new golf course and 120 new homes. Comments on the project are due by May 8th.

Mayor Belt discussed the status of the off-duty deputy contract with the Charleston County Sheriff's Office (CCSO). The current contract has expired, but the Town will continue to operate under it in the interim. Several issues related to that contract, and ongoing discussions are underway with CCSO regarding an alternative arrangement, intergovernmental agreement, or other solution for regular duty and/or off-duty deputy coverage on the island. He also mentioned conversations with CCSO to enhance speed enforcement in the area, particularly on Betsy Kerrison Parkway.

Mayor Belt discussed the status of the Andell West project, stating that Riverstone had approached the Town about the potential for a traffic circle at the entrance to the Andell West property. This issue was previously examined, and at the time, the traffic engineer recommended it as a long-term solution. However, their analysis was based on the full build-out of both the commercial and residential development. The question now is whether a traffic circle and all the work it would entail and disruption are necessary at this point, given the changes made to their current plan, for only the grocery store and the issues that are still being worked out.

Council Members discussed the issue and agreed that they did not see the need to include it now, as it would only be the grocery store, and to wait until closer to the build-out.

B. Council Members

Mayor Pro Tem Berner provided updates on the following:

- A draft solicitation for the design of a new cultural facility addition to the Municipal Center will be released in the coming weeks
- Most of the members of the CERT (Community Emergency Response Team) have now been certified in CPR.
- The Swim Across America event is coming up on June 7th, and the CERT Team is going to be there, helping from the land side, looking for swimmers who are in distress.
- A hurricane preparedness tabletop exercise is scheduled for May 30th. It will be a series of mock exercises of what happens if a hurricane level 1, 2, 3, 4, etc, hits the island
- Attended the meeting with Kiawah Island Utility
- Repaving the low sections of the bike path along the Parkway is taking place. He recounted incidents in which two vehicles drove around the roadway Flagger who had stopped that lane of traffic and drove into oncoming traffic. He asked that everyone please pay attention and abide by the roadway Flagger's commands.
- A recommendation to the Council to install a sign on the Parkway at the intersection going into Cassique that simply says "dangerous intersection."

Council Member Kaye discussed the history of the decline of Kiawah's bobcat population, which was attributed to the use of second-generation anticoagulants (SGAs) in pest control. With the establishment of the Bobcat Guardian Program and continued efforts by Mr. Jordan and the Wildlife Department, assisted by the Conservancy, maintaining emphasis on Bobcat safety and preservation, the Bobcat population has increased.

The recent deaths of two bobcats highlighted the need for renewed efforts to restore the bobcat population and the importance of community involvement in reducing the use of these chemicals. Therefore, the Town's Earth Day initiatives focused on the bobcat population. We collected approximately 15 new signatures and about 20 additional signatures in the last couple of weeks, thanks to the increased emphasis on publicity. She emphasized the importance of public education and community engagement in preserving wildlife diversity. She encouraged everyone to please talk to their friends and neighbors, and ask their pest control companies to sign the pledge not to use the SGAs. She also mentioned that the slide show of the Earth Day events is available on Kiawah's social media platform.

Council Member Kaye also provided updates on the following:

- The Turtle Patrol's Kick-off meeting last week signifies that the season is officially underway
- The Resiliency Committee is getting off the ground, and today's Beach Report is going to be a good place for the Committee's further exploration.
- Work has begun with a group from the Town's communications team on revisiting the Town's website to address challenges with navigation.

In response to a question from an attendee, *Council Member Kaye* stated that it is up to residents to ask their pest control companies to sign the pledge, committing them to not using second-generation anticoagulants. Mayor Belt added that the state has preempted municipalities from regulating the use of pesticides, which is why this effort is voluntary.

Council Member Farrell provided updates on the following:

- The Audit Committee interviewed an auditor to conduct an internal controls audit. In addition to the financial audit, the Committee’s focus is on internal controls, processes, and financial security.
- The exploration of underwriters or banks for financing future projects and the potential benefits of municipal bond rates.

Council Member Spencer provided updates on the following:

- The Infrastructure and Public Works Committee
 - Efforts to ensure adequate franchise fees
 - Approved a recommendation to the Planning Commission and the Town Council for potential zoning changes to accommodate increasing our cellular coverage.
 - An executive session with Kiawah Island Utility (KIU) giving them flexibility to discuss potential proprietary information, on their operations, planning, resiliency, and capacity, along with other considerations to continue to have viable water and sewer infrastructure.
 - The next utility invited to have discussions will be Berkeley Electric.
 - He highlighted the importance of maintaining viable water and sewer infrastructure and the need for ongoing dialogues with utility providers

Mayor Belt thanked the members of the Infrastructure and Public Works Committee for their work on some issues related to infrastructure on the island and utility providers. He mentioned undertaking the project of conducting a legal review and updating service level provisions in existing franchise agreements, as well as ensuring that franchise agreements are in place with all service providers.

C. Administrator

Ms. Tillerson reported on the following:

- The Main Road and Hwy 17 flyover project update meeting is scheduled for Thursday, May 8th, at 7 pm at the Berkeley Electric Coop.
- The business license renewal season closed on April 30th and will now start imposing late fees.
 - 1300 short-term rental licenses have been collected, with approximately 50 outstanding
 - 2000 to 3000 regular business licenses have been collected, with approximately 1.3 million in revenues, and about 1000 outstanding.
 - The finance department will continue its efforts to track down outstanding licenses.

VIII. **Old Business:**

A. To Consider Approval of **Ordinance 2025-04** – An Ordinance to Amend Section 12-165. – Zoning Permits and Section 12-374. - Definitions to Clarify Items in which a Zoning Permit Shall Be Required – **Second and Final Reading**

Mr. Taylor explained the change from the first reading of the ordinance. The change in Exhibit “C” regarding Chapter 2 *Bank Retention Systems* Section 17-201 is the addition of “zoning” to ensure that if someone applies for a zoning permit, it would be reviewed and approved in compliance with state-required permits for erosion control devices.

Mr. Taylor stated there was some discussion at first reading regarding fences in section (1)(i). The Town currently has standards in the zoning code under Section 12-104. In Section 12-165, fences were added to ensure clarity and consistency with the review process. Most of the time, fences are reviewed during new construction. Although the number of fences erected as part of new construction has decreased, the placement of fences has caused some issues and property disputes with neighbors. Staff recommends reviewing those to ensure consistency with the zoning code ahead of any installation.

Mr. Taylor stated he had also suggested changing “the” to “any”. Mayor Belt clarified that the change being referred to was in Chapter 2 - *Bank Retention Systems*, Section 17-201 in the third sentence, after the Town’s Planning Director is “a complete copy of the application,” it would be changed to “a complete copy of any application.”

Mayor Pro Tem Berner made a motion to approve the second and final reading of Ordinance 2025-04, to amend Section 12-165. – Zoning Permits and Section 12-374. - Definitions to clarify items for which a zoning permit shall be required. Council Member Kaye seconded the motion.

In response to Council Member Farrell's question on what the ordinance is trying to accomplish, Mr. Taylor explained that the amendment was derived from the Town's Comprehensive Marsh Management Plan, which recommended that erosion control devices, including bulkheads, berms, for example, be reviewed and regulated in a manner that is consistent with future potential impact to either erosion, wildlife habitat, plant, and preservation of that particular natural area, as well as protection of the highlands for property, for developed property. With this particular ordinance, the Town is allowed to refine or establish formal standards that can codify and review independently of any other state-issued or institutional regulations governing bulkheads.

Mayor Pro Tem Berner asked in the language listing the items included in the requirement to obtain a permit, if a permit would be required for making repairs to an existing dock or bulkhead, whether private or commercial. Mr. Taylor confirmed that a permit would be required.

Council Members engaged in an in-depth discussion on whether additional language should be added for clarity on the scope of work requiring a permit, including minor repairs and earth-disturbing activities. Mayor Belt recommended approval without revisiting any earth-disturbing activity, approving it on second reading with the noted minor amendments, and then conducting further internal discussions on regulatory language.

Mayor Pro Tem Berner made a motion to amend the ordinance, adding the minor amendments discussed. Council Member Kaye seconded the motion, and it was unanimously approved.

The motion to approve the second and final reading of Ordinance 2025-04 as amended was approved by a 4 to 1 vote, with Council Member Farrell voting "no".

Council Member Farrell stated that he was opposed on the grounds that he felt the ordinance was redundant, the process was too rigorous, and there were too many opinions involved. Additionally, he noted that homeowners are becoming increasingly stifled by ordinances like this.

B. To Consider Approval of Ordinance 2025-05 – An Ordinance to Amend Section 12-160. -Development Agreements to Modify Review Procedures for Development Agreements– *Second and Final Reading*

Mr. Taylor highlighted that provisions had been added regarding the time frame, clarification of minor and major modifications, and clarification on whether any of those modifications would need to be made through an ordinance process. In addition to the pre-application and normal procedures, a Planning Commission Workshop has been added, and the Planning Commission will review and provide a recommendation before it is presented to the Town Council.

Mayor Belt discussed that the ordinance included the addition of robust Planning Commission involvement in development agreements, ensuring consistency with the processes for planned developments and annexation. In addition, it requires that any amendment to the development agreement that constitutes anything other than a minor modification, defined as clerical or ministerial, has to be approved by ordinance as well.

Council Member Farrell made a motion to approve the second and final reading of Ordinance 2025-05 - to amend Section 12-160. - Development Agreements to Modify Review Procedures for Development Agreements. Council Member Kaye seconded the motion, and it was unanimously approved.

C. To Consider Approval of Ordinance 2025-06 – An Ordinance to Amend Section 12-76. – Waterfront Development Standards Applying to Properties Adjacent to Saltwater Marshes, Wetlands, Waterways, and Section 12-374. - Definitions to Modify Required Buffer Standards and Modify Lot Coverage and Associated Definitions – *Second and Final Reading*

Mr. Taylor began by clarifying the intent and purpose of the ordinance. The amendment of Section 12- 76 is intended to address the critical area that is defined by the state. Therefore, any waterways or waterfronts with a state-established critical line would be subject to this ordinance. He noted there was a lot of discussion at the first reading regarding ponds and pond edges. He clarified that the intent of this ordinance was not to specifically address pond edge maintenance in the same context as prescribed in the activities within the critical line buffer area that is established for this ordinance.

To Council Member Farrell's question on most of the island ponds being governed by BCM (Bureau of Coastal Management), Mr. Taylor explained that the state makes the determination, and some ponds on the island would be subject to the ordinance. After meeting with the Kiawah Island Community Association (KICA), the Architectural Review Board (ARB), and the Resort, it is possible that 10% of the ponds on the island may be subject to the state's critical line; however, no official number has been established.

Specific ponds, such as Bass Pond and Canvasback, as well as some ponds located in the far eastern end, near salt water or salt marshes, are impacted.

Due to the concerns raised, Mr. Taylor reviewed, in detail, the language added to the ordinance to separate ponds not identified by the state from those with a critical line, ensuring they are not subject to prohibited activities.

Council Member Kaye made a motion to approve the second and final reading of Ordinance 2025-06, the Planning Commission's recommendation to amend Section 12-76. – Waterfront Development Standards Applying to properties adjacent to saltwater marshes, wetlands, waterways, and Section 12-374. - Definitions to modify required buffer standards and modify lot coverage and associated definitions. Mayor Pro Tem Berner seconded the motion.

Mayor Belt resets the procedural context of the ordinance, noting the first reading included expansion of the critical area buffer from 10 to 15 feet. The difference between the first and second reading is a relaxation of the extraordinarily restrictive standards, achieved by adding language to make the overly broad restrictions a little more realistic and practical.

Mayor Pro Tem Berner questions the rationale behind increasing the buffer to 15 feet, seeking a clear benefit. Mr. Taylor explained the recommendation from the Marsh Management Plan and the Sea Level Rise Flood Mitigation Report to increase the buffer area. The increase aims to provide a greater buffer for stormwater runoff and improve marsh recovery. Allowing a greater buffer from the critical line to the highlands ensures that any eroding areas can recover, establish a greater space for wildlife habitat, and all the associated elements of the ecosystem of the critical area.

Mayor Pro Tem Berner questioned if the 15 ft buffer criteria applies to homes that are on ponds, to which Mr. Taylor responded that it only applies to areas that have a critical line. So if that pond had established a critical line, then yes, it would apply.

Council Member Farrell stated that in terms of shoreline, a vast majority of ponds are brackish and are under OCRM guidelines, disputing Mr. Taylor's statement that 10% of the ponds on the island may be subject to the state's critical line. He stated that after meeting with Mr. Matt Hill and Mr. Doug Walter from KICA, their recollection is closer to 60% of the shoreline of the ponds is OCRM-regulated.

Council Member Farrell asked that his letter be included in the public record and discussed the items contained within it.

Subject: Case AZO25-000003 to modify Section 12-76 (changing the Critical Line Setback)

Dear council members,

I have a high level of concern for this change request. My concern arises from my belief in four (4) fundamental principles:

1. *Never taking away owners' property rights without a monumental cause*
2. *lack of scientific basis for an action*
3. *solving a "perceived or suggested problem" where one does not exist*
4. *preventing over-reach by governmental authority*

This request hits all four of these principles. I will lay out my rationale and concerns in reverse order as it will provide for better clarity.

4) preventing over-reach: There may be some rationale for addressing "water-to-land transition zones" on Kiawah but a broad ordinance loses the needed solutions for specific areas. I have talked in the past about the need to consider 4 different W-t-L transition zones and their unique differences. The potential issues and needed solutions are very different when considering:

- *the beach front*

- the river front
- the marsh front
- the lakes and ponds frontage

Each of these has unique characteristics and should be addresses differently, and NOT with one large, broad ordinance. Both buffer size and specific needs, solutions and benefits ARE different in the 4 areas mentioned, and this ordinance change does not address those differences.

3) solving a "perceived problem": some of the benefits of this proposal were presented as problems. So ask yourself "How will an increased buffer size":

- "prevent shoreline erosion and property damage caused by flooding". Will a larger buffer stop "King tides"? How will a larger buffer benefit high riverfront properties, such as Inlet Cove? Will a larger buffer prevent damage from an ocean storm surge?
- "provide increased privacy . . . ". Is there a high demand for "increasing" privacy?
- "save the homeowner money". Really? Have homeowners complained about the cost of irrigation? What is the difference when plants are dormant in non-buffer area? Homeowners need not water or fertilize them either.
- "natural buffers involve removal of invasive species and planting of natural vegetation": most homeowners would say buffer areas are not to be disturbed. This would include removing invasive species and planting native plants. Is a buffer supposed to be natural or managed?

2) "there is a lack of scientific basis" - this seems straightforward. The proposal and the discussion at the last meeting offered no basis for asking for an increased buffer other than "better water quality". While everyone wants better water quality, what impurities does this proposed buffer increase fix? Were measurements taken or water quality tested to support this change? If so, when, with what length of history and what impurities were found? What evidence, specific to Kiawah, is there that shows increasing a buffer from 10 to 15 feet will reduce those impurities. Are the same impurities in the river, vs the ponds and lakes, vs the marsh, vs the ocean.

I met with the "KICA land and lakes team" two weeks ago and we did a deep dive on the ponds and lakes. We discussed water quality, their testing, frequency, range of coverage and their "identified problems". The State also does testing. In summary, the only two problems they struggled with was turbidity and water temperature. Nitrogen, low Oxygen, or other pollutants were not a problem.

Turbidity was a problem largely from (unmanaged) overhanging vegetation, predominately wax Myrtle. This unmanaged vegetation prohibited sunlight and air circulation. Foliage dropping and bushes falling into the lakes increased turbidity and shoreline erosion. They stated that fertilizer, from the golf course, did not drive nitrogen or other secondary nutrients higher.

Water depth, specifically shallow water created a problem when rainfall created a fast, material drop in temperature. This created a turnover in the ponds that depleted Oxygen and resulted in the "fish kills" that are routinely seen in the ponds. They suggested that assistance with pond dredging costs, for shallower ponds would provide a material benefit.

Lastly, they reminded me that the lake and pond system "was intentionally designed and built to manage storm water runoff, allow water to settle and clarify and reduce pollutant migration into the marsh, river and ocean.

1) Thus, there is not enough need or scientific evidence nor a uniform solution that rises to the level of reducing homeowner property rights further than exists in the current ordinance.

In conclusion, I am a strong supporter of real, effective environmental stewardship both on Kiawah Island and more broadly. There are real problems that exist and a range of solutions to solve - real problems. I am a strong supporter of both broad and targeted solutions, that have a material effect on our environment. I recognize the need for larger and smaller solutions to different issues.

However, I am not a supporter of solutions that sound like a reasonable idea, but in fact have no basis in science, or that fundamentally do not work and have a material cost to property rights.

For these reasons, I cannot support this ordinance change request.

Respectfully submitted,

E. Luke Farrell

Mayor Belt acknowledged the procedural challenges with the two separate issues involved: the expansion of the critical buffer area from 10 to 15 feet, and the critically necessary changes to the existing waterfront development standards language.

After a lengthy discussion, the Council considers tabling the change in the buffer line area from 10 to 15 feet and proceeds with approving the changes to the waterfront development standards, which relax the existing code.

Council Member Farrell supports the motion to remove the buffer zone expansion, with Mayor Belt emphasizing the need for a better case to be made in the future.

Council Member Farrell made a motion to amend Ordinance 2025-06 to remove any reference to the expansion of the critical buffer area from 10 feet to 15 feet. Mayor Pro Tem Berner seconded the motion, and it was approved by a 4 to 1 vote, with Council Member Kaye voting “no.”

Calling for a vote on the underlying motion as amended, Council Member Kaye stated that Council Member Farrell has made some very good points, which many share. Regarding the points related to solving a perceived problem that does not exist, and scientific evidence, she referenced the information provided in the beach monitoring report presented earlier, which provided scientific evidence that the inland parts of the island are likely to be dramatically impacted and that is why she supported the increase in buffer from 10 to 15 feet. Council Member Farrell stated that the point he was trying to make is that changing the buffer from 10 to 15 feet does not impact or prevent anything.

Following the discussion, the motion to approve the second and final reading of Ordinance 2025-06 as amended was unanimously approved.

D. Discussion of the Beach Operations Agreement for Coastal Expeditions, Inc.

Mayor Belt introduced the Beach Operations Agreement for Coastal Expeditions, which the Town administration planned to approve, discussing the proposed commercial activities. He noted that a number of changes were made to the beach operations agreement to incorporate and reflect much of the discussion that occurred at the last Council meeting. The agreement aims to permit limited commercial activities, particularly public beach tours and community service initiatives at Sandy Point.

Mayor Pro Tem Berner suggests requiring Coastal Expeditions to perform a beach sweep at least once a season as part of the agreement. Council Member Farrell also pointed out that there is unregulated activity out there and questioned whether regulating one person who came forward is the right approach or whether a more expansive approach should be taken.

The discussion included the beach operations agreement with this particular operator, which permits commercial activities. Anybody else engaging in commercial activities would be doing so in violation of our ordinance. A separate question arose regarding enforcement, and proposed changes to the Beach Management Ordinance may also have implications.

Mr. Chris Crowley, owner of Coastal Expeditions, expressed support for the proposal to perform a beach sweep at least once a season and the environmental education component as part of the agreement.

Council Members Kaye and Farrell expressed their support for the agreement, with Mayor Belt reluctant to impose a litter sweep requirement, but rather a requirement for the removal of trash, or anything brought on.

IX. New Business:

A. To Consider Approval of Ordinance 2025-08 - An Ordinance To Adopt The Fiscal Year 2025-2026 Budget For The Town Of Kiawah Island (7/1/25 Through 6/30/26) – Public Hearing and First Reading

Mayor Belt stated that the approval of the FY 2025-2026 budget was a recommendation of the Ways and Means Committee.

Council Member Farrell stated that he and Ms. Szubert have been working on the budget for this coming year since early January. He provided an overview of the budget, highlighting the Town's financial health and the need for fiscal prudence. He outlined several different ways of thinking about how revenues and expenses are allocated in the budget. He emphasized the importance of having documentation and procedures in place to ensure that the Town's operations are conducted in accordance with current standards.

Mayor Belt added that statutorily, the mayor presents the budget to the council, noting that his budget reflects some strategic priorities that may differ from those of past administrations. He acknowledged that all of these have been developed in conjunction with discussions with fellow Council Members, also acknowledging the collaborative effort with the Chair of the Ways and Means Committee and the extraordinary time and effort that the Finance Director, Town Administrator, and other staff have put into the development of the budget.

Ms. Szubert stated that the proposed budget includes revenues of \$17.6 million and expenditures of \$15.1 million, resulting in a projected surplus of \$ 2.4 million. All funds are balanced with the access of revenues, except for the state accommodation tax, which has a \$700,000 carryover from this year to the next. The Town will continue to provide all the services currently provided. There are some environmental initiatives, cultural initiatives, and funding allocated for capital projects to initiate the civic and cultural wing addition. Additionally, there are a couple of larger capital projects, including landscaping enhancements for the Kiawah Island Parkway and the Town Hall, as well as beach renourishment.

Council Member Farrell made a motion to enter into the Public Hearing for Ordinance 2025-08. Mayor Pro Tem Berner seconded the motion, and it was unanimously approved.

During the public hearing, no public comments were received.

Council Member Farrell made a motion to exit the Public Hearing and return to regular session. Mayor Pro Tem Berner seconded the motion, and it was unanimously approved.

Council Member Farrell made a motion to approve the first reading of Ordinance 2025-08 to Adopt the Fiscal Year 2025-2026 Budget for the Town of Kiawah Island (7/1/25 Through 6/30/26). Mayor Pro Tem Berner seconded the motion.

Mayor Pro Tem Berner emphasized the importance of maintaining fiscal responsibility, indicating that he attended the earlier Ways and Means Committee meeting to discuss the trend of revenues being flat or decreasing versus the trend of expenses going up, and was satisfied with the responses he received.

Council Member Farrell discussed that interest income revenues have been projected to decrease from this year and are sensitive to the actions of the Federal Reserve. He indicated that, from an expense standpoint, salaries and benefits are expected to increase approximately 18%, also noting that the accommodation tax is budgeted at a lower amount than the projected 2025 amount, which is intentionally conservative.

Further discussion included the Town's unique financial position relative to other coastal communities. It maintains a strong financial position, without having an income tax or property tax, and, if necessary, has the opportunity to discontinue Town subsidies or increase the level of state-allowed accommodations or hospitality taxes.

Following the discussion, the motion to approve the first reading of Ordinance 2025-08 was unanimously approved.

B. To Consider Approval of Ordinance 2025-09 - An Ordinance To Repeal And Replace Article 16 – Beach Management - First Reading

Mayor Belt introduces Ordinance 2025-09 to repeal and replace Article 16, the existing Beach Management ordinance. He indicated that the Environmental Committee took on the task of revising the existing ordinance and realized that, rather than doing the changes piecemeal, it was worth taking a fresh look at the Beach Management ordinance as a whole addressing concerns inconsistencies and provisions regarding the Town's jurisdictional regulating activities in the beach and dune system along with the protection of the public safety, preservation of the beach and dune system, and protection of flora and fauna.

Council Member Kaye stated that reworking the ordinance was labor-intensive, but Mayor Belt's instructions were to go back to the drawing board, start over, and get it right. Assigning the task to the Environmental Committee provided members who have extensive hands-on experience, are familiar

with the beach, and Mr. Jordan, along with the Wildlife Department, have a thorough understanding of the issues, resulting in a clear-cut approach to beach management.

Mr. Jordan stated that the complete rewrite of the ordinance had been a long process spanning 14 to 15 months. He provided a high-level summary of the significant changes, including:

- Clarification of the Town's jurisdiction
- Adoption of the Local Comprehensive Beach Management Plan
- Moved all definitions into one chapter
 - Rewrote definitions for beach, dunes, and beach and dune system
 - All structures within the beach and dune system now require a permit from the Town, including beach walkovers
- Reduced the beach speed limit from 20 mph to 15 mph
- Holes dug on the beach are now limited to 12 inches in depth, and holes must be filled in before the end of the day.
- Reworked the wildlife protection chapter to simplify it, and protect shore birds, sea birds, marine mammals, as well as sea turtles, from any harm or harassment.
- Cleaned up the critical habitat chapter to make sure it specifically defines the areas that are currently critical habitat, with suitable nesting habitat.
- In conjunction with the dog leash changes, suitable nesting habitat can only be designated by the Mayor based on input from the Wildlife Department if conditions warrant it, and if they do, then the dog leash restrictions would go into place
- Beach walkovers
 - No significant change in the timing for construction or reconstruction,
 - Provisions giving the Mayor the authority to establish what we are calling “special management zones on the beach” to protect dunes.
 - Community walkovers in those areas that stop more than 20 feet landward must be extended over the primary Dune, and the primary dune height in that area would be the average dune height 30 feet on either side of the trough.
 - All walkovers, private or community, where the walkover cuts through the dune, creating a trough, must be raised using the same height requirement.
 - Beach walkovers cannot be constructed during sea turtle nesting season, May 1 through October 31
- Allow watercraft to be launched and retrieved from the section of beach along the Stono River, from Sandy Point to where there is an ocean-facing beach

Mr. Jordan stated that there was a significant amount of cleanup work, involving the removal of outdated and contradictory language, as well as the development of clear definitions to be used consistently throughout the ordinance.

Council Member Kaye made a motion to approve the first reading of Ordinance 2025-09 - to repeal and replace Article 16 – Beach Management. Mayor Pro Tem seconded the motion.

Mayor Pro Tem Berner commends Mr. Jordan's efforts and raises a conflict in Section 16-804 regarding turtle nesting season and repair timelines. Mr. Jordan clarifies that repairs cannot be done during turtle nesting season, and the time frame requirements do not accrue during this period.

Council Member Farrell questions the necessity of avoiding construction in the daytime hours during turtle nesting season, and Mr. Jordan explains the risks of disturbing unmarked nests.

Clarification on Beach Walkovers and Private Property

Mayor Pro Tem Berner confirms that Section 16-805 Community Walkovers, those belonging to the Club, are included in the ordinance. Mr. Jordan explains the current jurisdictional issues with the Beach Club's walkovers, but the revised ordinance addresses that issue.

Mayor Pro Tem Berner and Mayor Belt discuss the applicability of Section 16804 to private beaches and walkovers. Mr. Jordan clarifies that private walkovers must be maintained in good repair, but do not necessarily need to extend over the primary dune unless in a special management zone.

Mayor Pro Tem Berner and Mr. Jordan discussed the practical considerations and exceptions for special management zones.

Overnight Storage and Beach Operations

Mayor Pro Tem Berner, referring to Section 16-905, Overnight Storage, questioned the legality of overnight storage on the beach by the Beach Club and Island Beach Services, which have storage boxes. Mayor Belt explains that existing Beach Operations Agreements allow for certain storage practices, and a multi-party working group is addressing comprehensive storage policies.

Mayor Pro Tem Berner recalls a previous discussion about reducing the number of chairs on the beach. Mayor Belt confirms that the current agreements allow for the status quo, with some reductions in storage.

Mayor Pro Tem Berner raises concerns about holes on the beach not being filled in, and Mayor Belt outlines plans for increased beach patrol and code enforcement.

Mayor Pro Tem Berner emphasized the importance of educational efforts over enforcement for turtle nesting issues. Mayor Belt agrees, noting that public safety officers will be educated to educate the public. Council Member Spencer shares concerns about families digging large holes on the beach.

Mayor Belt discussed the balance between regulation and practical considerations, as well as the importance of public education.

Council Member Spencer stated that the document being presented had undergone significant improvements and thanked everyone who had contributed to its development. He also appreciated the consideration of having the decision on a suitable habitat made by the Mayor, indicating that accountability to the public, as an elected official, was important.

Mr. Jordan pointed out that comments were received from KICA, including concerns that the time was too short and all community walkovers that stopped 20 feet short had to be extended to go over the prevailing dune height, no matter where they are on the island, potentially forcing KICA to rebuild 10 walkovers. He stated that the dates were not changed, but the change made to the walkovers was making that a requirement to take effect only if the Mayor declares a special management zone in that area. That should alleviate a lot of that burden, and it will only be required when it is truly needed for storm protection. It was also noted that KICA had not formally confirmed their satisfaction with the stipulation.

Mayor Belt stated that a decision to designate an area as a special management zone involves a process of determining whether, in fact, that designation is appropriate, given the facts and circumstances. Also, noting that it may not be a designation that would stay in place beyond a certain period of time.

Council Member Spencer shared his observations with people on the beach who were standing on a turtle nest, unaware of its significance. Signage reads 'not to go into turtle nests,' but does not help if visitors are unaware of what a turtle nest is, suggesting that signage should include visuals to help visitors recognize turtle nests.

Mayor Belt commented on the dog leash area and the expansion of nesting habitat. While not supportive of memorializing a 700-yard restricted area, it did not mean that he might not make a determination, based on a recommendation from the Wildlife Department, to designate an area as a special management zone. Any recommendation made would need to be justified. If persuaded that there was a nesting habitat that had to be or should be protected, requiring a dog owner to walk a little further before unleashing their dog was not an undue burden. He would also note that, according to the State Beach Management Act, one of the specific requirements for our Beach Management Plan is to provide for the protection of endangered species, threatened species, and important habitats, such as nesting grounds.

Jurisdictional Lines and Special Management Zones

Mr. Roger Warren, President of the Resort, asked how the jurisdictional lines are drawn between property owners, KICA, and the Town. Mayor Belt engaged in an in-depth discussion of the state's jurisdictional lines, setback lines, and the Town has defined its public interest extends to all of the beach and at least the primary dune. The Town has the inherent authority to protect public safety and health,

and the welfare of its citizens within its jurisdictional limits, noting this is all laid out in the jurisdictional paragraph in the beach management plan.

Mr. Warren asked whether existing boardwalks or walkovers that may not currently be in compliance with the new requirements would be grandfathered until they need to be changed or repaired. Mayor Belt clarified that a special management zone designation would render the new requirements applicable, and they would need to be met unless there was a basis for an exception.

Mr. Warren also inquired if massive storm damage repairs would have to wait until November, and about the potential for special considerations. Mayor Belt explained that the ordinance allows for exceptions because there may be exceptional circumstances that warrant an exception from the strict application of the rules.

C. To Consider Approval of the Proposal for Comprehensive Landscape Maintenance and Related Services

Mayor Belt introduced the proposal for Comprehensive Landscape Maintenance and Related Services, noting it was a unanimous recommendation from the Ways and Means Committee.

Mr. Nardelli stated that the current contract to perform these maintenance services expired at the end of 2024. Therefore, Town staff released and publicly posted a Request for Proposals (RFP), hosted a mandatory pre-bid meeting, and received six bids.

The Mayor approved a review committee of four staff members to review each bid based on the RFP's criteria: Price (50 pts), Environmental Stewardship (10 pts), Electric Equipment (20 pts), and References and Professional Experience (20 pts). To compare the bids apples-to-apples, the committee had to adjust the mulch and pine straw price, as some firms did not calculate twice the annual installation cost. The committee scored each company as follows:

| | |
|-----------------------|------------------------------|
| Artigues Landscaping: | 73 out of 100 |
| LandOne Group: | 81 out of 100 |
| Russell Landscaping: | 60 out of 100 |
| The Greenery Inc: | 83 out of 100 – Withdrew Bid |
| US Lawns: | 77 out of 100 |
| Yellowstone: | 49 out of 100 |

The Greenery had to withdraw its bid due to an unexpected staffing issue.

The Review Committee conducted extensive interviews with the top three firms, and much discussion and deliberation recommended the approval of the proposal from LandOne Group for landscape maintenance services at a cost of \$135,289 annually. The review committee felt very confident that Land One would provide excellent service to the Town, as they have committed to a five-day-a-week service level that no other contract company offers.

Council Member Farrell added that the five-day-a-week service would provide for one person year-round, and then during the summer months or the growing season, there would be two to three people every day. Mayor Belt emphasized the importance of electric equipment and the comprehensive service that LandOne Group would provide.

Council Member Kaye made a motion to approve the staff's recommendation to retain LandOne Group as the Town's landscape contractor. Mayor Pro Tem Berner seconded the motion.

Council Member Farrell and Ms. Tillerson discussed the payment process, which involves the Public Works Department reviewing the monthly invoice to verify that the items listed are in accordance with the contract and that the work is completed before payment is authorized. Mr. Nardelli stated that LandOne would make software for reporting and milestone tracking available.

Following the discussion, the motion was unanimously approved.

D. To Consider Approval of the Proposal from IMS Solutions Group (IT Contractor)

Mayor Belt introduces the proposal to move the Town's technology infrastructure to Microsoft's Government Community Cloud, noting it was a recommendation from the Ways and Means Committee.

Council Member Farrell explained the benefits of the migration of the Town's technology infrastructure to Microsoft's Government Community Cloud (GCC) to enhance security, compliance, data integrity, and protection against fraudulent emails, along with updating email address extensions from .org to .gov. and the transition is expected to take two to three months. Mayor Belt clarified that the Town will still own its Microsoft licenses, managed by IMS.

Mayor Pro Tem Berner made a motion to approve the proposal from IMS Solutions Group for technology infrastructure migration to Microsoft's Government Community Cloud. Council Member Kaye seconded the motion, and it was unanimously approved.

E. To Consider Approval of the Architectural Design Competition for a Proposed Town Hall Wing Addition

Mayor Belt introduces the proposal for a design competition for a proposed Town Hall wing addition, noting the request is for the approval of the potential expenditure of up to \$60,000 that would be awarded to three selected firms as a stipend to participate in a design competition.

Council Member Farrell made a motion for approval of expenditure of up to \$60,000 for a design competition for the new wing addition. Mayor Pro Tem Berner seconded the motion.

Mayor Pro Tem Berner and Mayor Belt explained the process of soliciting qualifications from architectural firms.

Mayor Belt presented high-level conceptual elevation and site plans renderings prepared by Mark Caymans of what a wing addition to the town hall would look like. As part of the process, he reached out to several individuals with far more expertise and knowledge on these issues, including former Council Member Dan Prickett and David DeStefano, both of whom were involved in this municipal building project. In addition to Mr. Caymans, Mark Permar has been extraordinarily helpful in guiding what is being proposed today, as well as suggesting the design competition process and how that would unfold. Also involved in the process is David Wohl, chair of The Arts Council, as well as Mayor Pro Tem Berner.

Mayor Belt stated that, rather than proceeding with the high-level conceptual drawings or materials presented by Mr. Caymans and moving forward with the design-build contract, it was concluded that a more robust process was needed. That process would involve issuing an RFQ (Request for Qualifications) in conjunction with the design competition, which would be publicly advertised and sent to several architectural firms. These firms would initially provide high-level ideas as part of their presentation about this project. A design review committee would be constituted, selecting three firms that would be allocated a \$20,000 stipend to develop conceptual plans, including detailed site plans, floor plans, renderings, and elevations. The Review Committee would then hold one or more public charrettes on the proposals and then make a recommendation to the Town Council. Town Council could then decide whether it made sense to go forward, given the cost and other potential competing priorities. Mayor Pro Tem Berner emphasizes the importance of the design competition in generating the best ideas for the project.

Mayor Belt stated that the civic and cultural center wing is intended for public use, featuring a community meeting space and an auditorium facility that would provide a venue for many of the programs presented by the Kiawah Arts Council, and could also be utilized by area community groups. Also discussed were the details of the approximately 12,000-square-foot proposed wing, as well as the issues surrounding whether there was sufficient septic system capacity and the number of additional parking spaces required.

Council Member Farrell added that the facility's ongoing operation budget could be paid out of accommodations taxes. Instead of using capital funds, options include a loan, bond payment, or tax-exempt bonds that receive tax-exempt benefits and lower interest rate costs. Mayor Belt added that as an allowable expenditure for the state accommodations tax, it would include not only construction but also maintenance, utility connections, road connections, and financing costs.

Following the discussion, the motion was unanimously approved.

Mayor Pro Tem Berner made a motion to modify the agenda to take Citizens' Comments in advance of the Executive Session. Council Member Farrell seconded the motion, and it was unanimously approved.

X. Citizens' Comments:

Todd Boney – 3532 Shipwatch

Mr. Boney stated he was a member of Preserve Kiawah, with Carol Medendorp running the Regime Council, and is the President of the Seascape Regime.

Mr. Boney stated he understood the state statute limits the Town's ability to say what type of pesticides can and cannot be used, but suggested that the Town could require pest control companies to disclose the types of pesticides they use when applying for business licenses.

Mayor Belt and Mr. Boney engaged in an in-depth discussion of the uses of information captured, identifying companies that are using the right types of pesticides versus the wrong types, accessing properties to sample the types of pesticides being used, and identifying those companies that have signed up to be Bobcat guardians.

Mayor Belt also discussed the Town's efforts to regulate pesticides, that the Bobcat population is healthier than previously, and the Town wants to do all it can to ensure that it continues.

XI. Executive Session:

A. Pursuant to S.C. Code Ann. § 30-4-70(a)(2), to Receive Legal Advice Protected by the Attorney-Client Privilege Concerning Pending Litigation and Proposed Property Purchase.

Upon Returning to Open Session, the Council May Take Action on Matters Discussed in Executive Session.

Council Member Farrell made a motion to move into Executive Session to Receive Legal Advice Protected by the Attorney-Client Privilege Concerning Pending Litigation and Proposed Property Purchase. Mayor Pro Tem Berner seconded the motion, and it was unanimously approved.

Mayor Belt made a motion to exit the Executive Session and return to the Regular Session. Council Member Kaye seconded the motion, and it was unanimously approved.

Returning to Regular Session, no actions or votes were taken as part of the Executive Session.

Council Member Kaye made a motion to authorize the Town's Counsel to enter into settlement discussions with respect to pending litigation matters. Council Member Farrell seconded the motion, and it was unanimously approved.

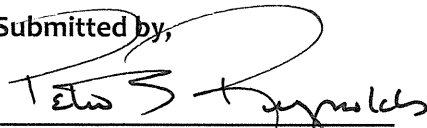
XII. Council Member Comments:

None

XIII. Adjournment:

Mayor Belt adjourned the meeting at 602 pm.

Submitted by,



Petra S. Reynolds, Town Clerk

6-4-2025
Date